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PART II—Section 2

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इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।
Separate paging is given to this Part in order that it may be filed as a separate compilation

LOK SABHA

The following Bills were introduced in Lok Sabha on the 27th November, 1972;—

BILL NO. 107 OF 1972

A Bill further to amend the Payment of Bonus Act, 1965.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. This Act may be called the Payment of Bonus (Amendment) Act, 1972. Short title.

21 of 1965. 2. In the Payment of Bonus Act, 1965 (hereinafter referred to as the principal Act), section 10 shall be re-numbered as sub-section (1) thereof, and— Amendment of section 10.

(*i*) in sub-section (*1*) as so re-numbered, in the proviso, for the words "this section", the words "this sub-section" shall be substituted;

(*ii*) after sub-section (*1*) as so re-numbered, the following sub-section shall be inserted, namely:—

'(2) Notwithstanding anything contained in sub-section (*1*), but subject to the provisions of sections 8 and 13, every employer shall be bound to pay to every employee in respect of the accounting year commencing on any day in the year 1971 a minimum bonus which shall be eight and one-third per cent. of

the salary or wage earned by the employee during that accounting year or eighty rupees, whichever is higher, whether there are profits in that accounting year or not:

Provided that where such employee has not completed fifteen years of age at the beginning of that accounting year, the provisions of this sub-section shall have effect in relation to such employee as if for the words "eighty rupees", the words "fifty rupees" were substituted.'.

Amendment of section 13.

3. To section 13 of the principal Act, the following proviso shall be added, namely:—

'Provided that in respect of the accounting year commencing on any day in the year 1971, the provisions of this section shall have effect as if for the words "forty rupees", "twenty-five rupees" and "four per cent.", the words "eighty rupees", "fifty rupees" and "eight and one-third per cent." respectively were substituted.'.

Amendment of section 19.

4. Section 19 of the principal Act shall be re-numbered as sub-section (*1*) thereof, and—

(*i*) in sub-section (*1*) as so re-numbered, for the words "All amounts", the words "Subject to the provisions of this section, all amounts" shall be substituted;

(*ii*) after sub-section (*1*) as so re-numbered, the following sub-sections shall be inserted, namely:—

'(*2*) Where the percentage of the salary or wage of an employee payable by way of bonus under this Act (including section 34) in the accounting year commencing on any day in the year 1971 is the same as that paid or payable by way of bonus under this Act (including section 34) to such employee in respect of the accounting year immediately preceding the aforesaid accounting year, the entire amount payable to such employee in the first mentioned accounting year shall be paid in cash within the time-limit specified in sub-section (*1*).

(*3*) Where the percentage of the salary or wage of an employee payable by way of bonus under this Act (including section 34) in the accounting year commencing on any day in the year 1971 is higher than that paid or payable by way of bonus under this Act (including section 34) to such employee in respect of the accounting year immediately preceding the aforesaid accounting year, so much of the amount calculated with reference to the difference in such percentages shall be remitted by the employer to the authority maintaining the provident fund account of such employee for crediting the same in that account and the balance shall be paid in cash to the employee, within the time-limit specified in sub-section (*1*):

Provided that where any employee enters into the service of an employer only during the accounting year commencing on any day in the year 1971, then, for the purposes of this sub-section, the percentage of bonus payable to such employee in cash and that to be remitted for crediting in his provident fund account shall be

the same as in the case of employees of that employer who were in his service in the accounting year immediately preceding the aforesaid accounting year.

(*4*) Notwithstanding anything contained in sub-sections (*2*) and (*3*), where the percentage of the salary or wage of an employee payable by way of bonus under this Act (including section 34) in respect of the accounting year commencing on any day in the year 1971 does not exceed the minimum bonus calculated in accordance with the provisions of sub-section (*2*) of section 10 or of the proviso to section 13, as the case may be, the entire amount shall be paid in cash.

(5) Where any employee has no provident fund account, the provisions of sub-sections (3) shall not apply to such employee and the amount payable to him by way of bonus under this Act (including section 34) shall be paid in accordance with the provisions of sub-section (*1*).

(*6*) Where any employer remits any amount for crediting in the provident fund account of an employee under sub-section (*3*),—

(*i*) the employer shall be deemed to have discharged his liability to pay the balance amount of bonus to such employee; and

(*ii*) the amount so remitted shall be deemed to be a contribution made by such employee in his provident fund account notwithstanding the fact that such amount together with the contribution that is being made by such employee for crediting in his provident fund account exceeds the maximum permissible contribution, if any, that may be made by him for crediting in the said account.

Explanation.—For the purposes of sub-sections (*3*) and (*6*), the expression "provident fund account", in relation to an employee, means the individual provident fund account of such employee maintained under the Coal Mines Provident Fund, Family Pension and Bonus Schemes Act, 1948 and the schemes framed thereunder or the Employees' Provident Funds and Family Pension Fund Act, 1952 and the schemes framed thereunder or under any other law for the time being in force or maintained by such authority as may be specified by the Central Government in this behalf by notification in the Official Gazette, as the case may be.

46 of 1948.

19 of 1952.

(7) The provisions of the Coal Mines Provident Fund, Family Pension and Bonus Schemes Act, 1948 and the Employees' Provident Funds and Family Pension Fund Act, 1952 shall, so far as may be, apply in relation to the remittances to be made by an employer under sub-section (*3*) as they apply in relation to the contributions to be made by such employer under the aforesaid Acts.'.

46 of 1948.

19 of 1952.

Repeal and Saving.

5. (1) The Payment of Bonus (Amendment) Ordinance, 1972 is hereby repealed. 8 of 1972.

(2) Notwithstanding such repeal, anything done or any action taken under the principal Act as amended by the said Ordinance shall be deemed to have been done or taken under the principal Act as amended by this Act as if this Act had come into force on the 23rd September, 1972.

STATEMENT OF OBJECTS AND REASONS

The Government of India, by their Resolution No. U-23018/1/72—WB, dated the 28th April, 1972, constituted a Committee known as the Bonus Review Committee to review the operation of the Payment of Bonus Act, 1965. The Committee submitted on 13th September, 1972, their interim findings on the terms of reference relating to the raising of the minimum bonus payable under the Act, in two separate reports. After considering the reports, the Government decided *inter alia* that—

(*i*) the statutory minimum bonus payable to workers covered by the Payment of Bonus Act, 1965, may be raised from 4 per cent. to 8-1/3 per cent. for the accounting year commencing on any day in the year 1971, and

(*ii*) payment may be made in full in cash to all persons covered by the Payment of Bonus Act, 1965, up to 8-1/3 per cent. Where payments more than 8-1/3 per cent. are to be made during the said accounting year the positive, *i.e.*, plus difference, if any, between the payments to be made during the said accounting year and the payments made during the accounting year 1970-71 (where they were in excess of 8-1/3 per cent.) should be deposited into the provident fund account of the beneficiaries.

An Ordinance, namely, the Payment of Bonus (Amendment) Ordinance, 1972, was promulgated by the President under clause (*1*) of article 123 of the Constitution on 23rd September, 1972 to give effect to the above decisions. This Bill seeks to replace the Ordinance.

2. In the Bill, it has been made clear that only so much of the bonus payable to an employee during the accounting year 1971-72 as is attributable to an increase in the percentage of salary or wage declared as bonus by the employer for that year as compared with the preceding accounting year (1970-71) will be credited to the provident fund account of the employee. It has further been provided that the employees who were not in the service of the employer in the accounting year 1970-71 but are in the service of the employer in the accounting year 1971-72 will be treated at par with the old employees, that is to say, there will be uniformity in the proportion of bonus paid in cash and that to be remitted for deposit in the provident fund account in respect of the new and old employees.

NEW DELHI;
The 19th November, 1972.

R. K. KHADILKAR.

BILL No. 101 OF 1972

A Bill to authorise Payment and appropriation of certain further sums from and out of the consolidated fund of India for the services of the financial year 1972-73.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (No. 5) Act, 1972. Short title.

2. From and out of the Consolidated Fund of India there may be paid and applied sums not exceeding those specified in column 3 of the Schedule amounting in the aggregate to the sum of three hundred and nine crores, seventy-six lakhs and eighty-eight thousand rupees towards defraying the several charges which will come in course of payment during the financial year 1972-73, in respect of the services specified in column 2 of the Schedule. Issue of Rs. 309,76,88,000 out of the Consolidated Fund of India for the year 1972-73.

3. The sums authorised to be paid and applied from and out of the Consolidated Fund of India by this Act shall be appropriated for the services and purposes expressed in the Schedule in relation to the said year. Appropriation.

THE SCHEDULE

(*See* sections 2 and 3)

1	2	3		
		Sums not exceeding		
No. of Vote	Services and purpose	Voted by Parliament	Charged on the Consolidated Fund	Total
		Rs.	Rs.	Rs.
5	Defence Services, Non-effective	..	3,000	3,000
11	Ministry of Finance . .	..	4,000	4,000
39	Department of Personnel .	..	1,000	1,000
53	Industries . . .	2,16,79,000	..	2,16,79,000
63	Department of Rehabilitation	1,000	..	1,000
100	Supplies and Disposals .	..	1,06,000	1,06,000
113	Loans and Advances by the Central Government	2,18,00,000	2,50,00,00,000	2,52,18,00,000
129	Other Capital Outlay of the Ministry of Steel and Mines	48,51,93,000	..	48,51,93,000
131	Other Capital Outlay of the Ministry of Tourism and Civil Aviation . .	6,89,00,000	..	6,89,00,000
136	Capital Outlay on Posts and Telegraphs (Not met from Revenue)	1,000	..	1,000
	TOTAL	59,75,74,000	2,50,01,14,000	3,09,76,88,000

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114(1) of the Constitution of India, read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the supplementary expenditure charged on the Consolidated Fund of India and the grants made by the Lok Sabha for expenditure of the Central Government, excluding Railways, for the financial year 1972-73.

K. R. GANESH.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. F. 5(18)-B/72, dated the 10th November, 1972, from Shri K. R. Ganesh, Minister of State in the Ministry of Finance to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the proposed Bill to authorise payment and appropriation of certain further sums from and out of the Consolidated Fund of India for the services of the year ending on the 31st day of March, 1973, recommends the introduction of the Appropriation (No. 5) Bill, 1972 in the Lok Sabha and also recommends to the Sabha the consideration of the Bill under article 117(1) and (3) of the Constitution read with article 115 thereof.

2. The Bill will be introduced in the Lok Sabha after all the Supplementary Demands for Grants for 1972-73 have been voted.

BILL NO. 108 OF 1972

A Bill to provide for the authorisation of appropriation of moneys out of the consolidated fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March 1971, in excess of the amounts granted for those services and for that year.

BE it enacted by Parliament in the Twenty-third Year of the Republic of India as follows:—

1. This Act may be called the Appropriation (No. 6) Act, 1972. Short title.

2. From and out of the Consolidated Fund of India, the sums specified in column 3 of the Schedule amounting in the aggregate to the sum of fifty-five crores, fifty-four lakhs, six thousand, two hundred and sixteen rupees shall be deemed to have been authorised to be paid and applied to meet the amount spent for defraying the charges in respect of the services specified in column 2 of the Schedule during the financial year ended on the 31st day of March, 1971, in excess of the amounts granted for those services and for that year. Issue of Rs. 55,54,06,216 out of the Consolidated Fund of India to meet certain excess expenditure for the year ended on the 31st March, 1971.

Appropriation.

3. The sums deemed to have been authorised to be paid and applied from and out of the Consolidated Fund of India under this Act shall be deemed to have been appropriated for the services and purposes expressed in the Schedule in relation to the financial year ended on the 31st day of March, 1971.

THE SCHEDULE

(*See* sections 2 and 3)

1	2	3		
No. of Vote	Services and purposes	Excess		
		Voted portion	Charged portion	Total
		Rs.	Rs.	Rs.
1	Ministry of Defence	3,12,480	..	3,12,480
2	Defence Services Effective—Army .	16,21,33,723	..	16,21,33,723
4	Defence Services, Effective—Air Force	4,01,43,088	..	4,01,43,088
6	Ministry of Education and Youth Services	26,501	..	26,501
8	Archaeology	85,927	..	85,927
14	Ministry of Finance	4,12,197	..	4,12,197
25	Other Revenue Expenditure of the Ministry of Finance . . .	33,71,060	..	33,71,060
	Interest on Debt and Other Obligations and Reduction or Avoidance of Debt .	..	*1,62,32,272*	1,62,32,272
34	Ministry of Foreign Trade. . .	1,40,962	..	1,40,962
39	Public Works	4,92,71,770	*2,08,063*	4,94,79,833
42	Ministry of Home Affairs . . .	5,67,599	..	5,67,599
43	Cabinet	10,449	..	10,449
45	Police	84,32,443	..	84,32,443
48	Privy Purses and Allowances of Indian Rulers	27,825	..	27,825
51	Chandigarh	3,05,877	..	3,05,877
53	Tribal Areas	49,81,977	..	49,81,977
54	Dadra and Nagar Haveli Area . .	2,33,505	..	2,33,505
61	Ministry of Information and Broadcasting	10,818	..	10,818
73	Other Revenue Expenditure of the Ministry of Law	7,91,372	..	7,91,372
77	Ministry of Shipping and Transport .	4,24,293	..	4,24,293
78	Roads	1,34,74,536	..	1,34,74,536
89	Aviation	9,06,115	..	9,06,115
95	Posts and Telegraphs—Working Expenses	..	*1,169*	1,169

1	2	3		
No. of Vote	Services and purposes	Excess		
		Voted portion	Charged portion	Total
		Rs.	Rs.	Rs.
96	Posts and Telegraphs Dividend to General Revenues, Appropriations to Reserve Funds and Repayment of Loans from General Revenues .	7,76,29,884	..	7,76,29,884
105	Defence Capital Outlay . . .	4,87,25,688	..	4,87,25,688
115	Purchase of Foodgrains and Fertilisers	11,90,25,875	..	11,90,25,875
119	Delhi Capital Outlay. . . .	21,53,445	*14,11,019*	35,64,464
127	Capital Outlay of the Ministry of Labour, Employment and Rehabilitation .	62,335	..	62,335
129	Capital Outlay on Roads . . .	..	*1,37,868*	1,37,868
130	Capital Outlay on Ports . . .	..	*3,22,542*	3,22,542
137	Other Capital Outlay of the Department of Communications . . .	34,31,539	..	34,31,539
	TOTAL . .	53,70,93,283	*1,83,12,933*	55,54,06,216

STATEMENT OF OBJECTS AND REASONS

This Bill is introduced in pursuance of article 114(1) of the Constitution of India, read with article 115 thereof, to provide for the appropriation out of the Consolidated Fund of India of the moneys required to meet the expenditure incurred in excess of the appropriations charged on the Fund and the Grants made by the Lok Sabha for expenditure of the Central Government, excluding Railways, for the financial year ended on the 31st day of March, 1971.

K. R. GANESH.

PRESIDENT'S RECOMMENDATION UNDER ARTICLE 117 OF THE CONSTITUTION OF INDIA

[Copy of letter No. F. 5(19)-B/72, dated the 21st November, 1972 from Shri K. R. Ganesh, Minister of State in the Ministry of Finance to the Secretary, Lok Sabha.]

The President having been informed of the subject matter of the proposed Bill to provide for the authorisation of appropriation of moneys out of the Consolidated Fund of India to meet the amounts spent on certain services during the financial year ended on the 31st day of March, 1971, in excess of the amounts granted for the said services and for that year recommends under clauses (1) and (3) of article 117 of the Constitution read with sub-clause (2) of article 115 thereof, the introduction of the Appropriation (No. 6) Bill, 1972, in the Lok Sabha and also recommends to the Lok Sabha the consideration of the Bill.

S. L. SHAKDHER,
Secretary.

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